

VZCZCXRO7301
PP RUEHBC RUEHDA RUEHDE RUEHIHL RUEHKUK
DE RUEHGB #2890/01 2520707
ZNR UUUUU ZZH
P 080707Z SEP 08
FM AMEMBASSY BAGHDAD
TO RUEHC/SECSTATE WASHDC PRIORITY 9284
INFO RUCNRAQ/IRAQ COLLECTIVE PRIORITY

UNCLAS SECTION 01 OF 03 BAGHDAD 002890

SIPDIS

E.O. 12958: N/A

TAGS: [PHUM](#) [KJUS](#) [PINS](#) [IQ](#)

SUBJECT: STATE OF DETENTION FACILITIES IN IRAQ: SOUTH

REF: BAGHDAD 2421

¶1. (SBU) SUMMARY: There are still big problems with overcrowding in detention facilities in southern Iraq, with the consequent effect on supplies of food and medicine and judicial processing delays. There is an immediate need for more facilities, especially prisons, and more trained corrections officers for new and existing positions. However, there has been noticeable progress in the conditions of southern Iraq detention facilities. Compared to reporting from previous years, there are remarkably fewer reports of torture and abuse in the detention facilities. When reports of abuse arise however, the necessary actions are rarely taken to punish violators. With ongoing GOI military operations in 2008, detainee populations have risen, even with passage of the Amnesty Law in February. There are not enough investigative judges to process all cases in the mandated time frame, and detainees often wait months and sometimes years before their cases go to trial. The most important measure that could improve prison conditions is for the provinces to have more detention facilities, especially post-trial prisons. END SUMMARY.

¶2. (SBU) PRTs and ePRTs around the country have increased efforts to visit and inspect GOI detention facilities, and this cable reports their findings by province. This cable reports on those in southern Iraq. (Septel report on conditions elsewhere in Iraq.) Detention facilities are run by four GOI ministries. The Ministry of Interior (MoI) runs pre-trial detention facilities, or jails, and also holds detainees in hundreds of police stations. There are five MoI National Police detention facilities and 275 Iraqi Police facilities around the country, not including the KRG. The Ministry of Defense (MoD) operates Iraqi Army (IA) detention facilities. There are approximately 29 MoD facilities above the brigade level. The Ministry of Labor and Social Affairs (MoLSA) operates two juvenile facilities in Baghdad. (Note: The Ministry of Justice runs the other seven juvenile facilities outside of the KRG. Juveniles are also held at various MoI facilities across the country, sometimes in their own quasi-facility but generally in a separate cell from the adults. End Note.) The Ministry of Justice (MoJ) runs all post-trial prisons and some pre-trial facilities. On September 1, the MoI had 8815 pre-trial detainees and MoD had 1,601 pre-trial detainees. There were 9,581 additional pre-trial detainees and 10,522 post-trial prisoners in MoJ, KRG, and MoLSA custody.

BABIL

¶3. (SBU) Babil province has 14 MoI detention facilities, two MoJ prisons, and several MoD facilities. PRTOffs are restricted from visiting most of the facilities due to the security situation. To monitor the situation of detention facilities, PRTOffs gather information from sources in the Iraqi Security Forces, journalists, and the General Manager of south-central detention facilities. The PRT also meets regularly with the Ministry of Human Rights office in Babil and other human rights NGOs to discuss problems and

recommendations for improving the facilities. The PRT notes that a major problem with detention facilities in the province is a lack of long-term strategic planning and no national focus on improving facilities and operations.

¶4. (SBU) Hillah Prison, an MoJ prison in Babil, was built by the USG in 2006. The facility has a capacity of 700 and houses about 1100 detainees from Karbala, Najaf, Kut, and Diwaniya. The facility has been over crowded since it was occupied and has struggled to provide necessary services and maintain sanitary conditions. The facility has no ability to transport detainees to and from court, which has caused challenges in ensuring detainees attend their trials. Female detainees are housed in a police station. In the MoI facilities, there are problems with prisoners and detainees being housed together, including convicted felons being housed with those accused of minor crimes.

¶5. (SBU) The ePRT in North Babil has more ability to visit MoI detention facilities. Detainees and police have reported that physical abuse of detainees is an ingrained process in investigations although it is not as blatant as a few years ago. Detainees do not officially report abuse cases for fear of police retaliation, even outside of the jail after release. There does not appear to be accurate or efficient recording of detainee identification and length of detention. PRTOffs also note that Sunni detainees are held for longer periods than Shi'a detainees. Families of detainees reported that they bribe officials to accelerate the lengthy identification process and possible release.

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KARBALA

¶6. (SBU) As reported reftel, Karbala's largest jail is filled beyond capacity. Because the province does not have a prison, and the regional prison in Babil is overcrowded, Karbala's jail has to also house post-trial detainees, including ten people (one female) convicted of capital crimes. Twenty convicted felons sent to the prison from Karbala recently were returned because of a lack of space. The long-term solution to alleviate the overcrowding is the construction of a larger, modern jail in Karbala province. However, Karbala's status as a holy place does not allow the construction of a prison in the city.

¶7. (SBU) The facility, a converted office building, is in good condition and well run, and there have been no complaints of human rights violations. The capacity of the jail is 250 but currently holds 354. According to Karbala Chief Appellate Judge Abid Nour Farhan al-Fatlawi, the jail is badly overcrowded, but clean and safe. He said there have been no incidents between convicted felons and other inmates. Ten of the inmates are awaiting execution for capital crimes, including a woman convicted of murdering her husband.

¶8. (SBU) Karbala's investigative judges are required to visit the province's jails and reportedly visit several times per month. According to al-Fatlawi, detainees complain about access to medical care, but allegedly doctors and other health care professionals now visit the jail more frequently. The PRT has heard from other contacts that scabies is widespread at the jail, and there is a lack of medicine.

DIWANIYAH

¶9. (SBU) PRTOffs most recently visited the provincial detention facility on July 29 in Diwaniyah city; it is one of the only prisons under control of the MoI instead of the MoJ. According to the warden, Hussein Jabbur Mushab, this deviation causes a lack of coordination between the

ministries and results in any request for resources to one ministry being directed to the other, with nothing ever being done. This facility is the largest in the province and houses sentenced prisoners and others awaiting trial or sentencing. According to the warden, there should be no sentenced prisoners in the facility; they should have all been sent to Baghdad, where overcrowding has limited transfer of detainees. It has a capacity of 250 but currently houses over 480 detainees in crowded cells. There were 15 juveniles housed in a separate room and nine women, with two children, in a separate wing of the building.

¶10. (SBU) The facility is deteriorating and is in need of rehabilitation. There are no beds in the facility, so detainees sleep on the floor. There was no evidence of air conditioning in the last visit. There is a kiosk on site for prisoners to purchase small items such as tobacco. The warden said that the most immediate need is a new prison financed by the MoJ with prison personnel to remain under MoI for salary and pension benefits.

BASRAH

¶11. (SBU) One of the major concerns in Basrah is the lack of capacity to hold all the detainees in the existing facilities. To address this, the USG is funding an \$8 million 1200 bed prison, which will be complete in a year. Other problems are the inadequate living conditions and lack of basic necessities. Because funding for basic operations should come from the responsible ministries, the PRT is focusing on training for budget planning and execution for police, prison officials, and the judiciary. There are also reports of some detainees being denied access to legal counsel. Due to security threats, PRTOffs have not been able to visit the detention facilities in about a year but monitor the situation through contacts in the local legal community and officials from the MoJ. The PRT also tries to monitor the situation through human rights NGOs, but their access to the facilities has been limited by local prison officials.

¶12. (SBU) Basrah has two MoJ detention facilities. Al-Minah prison has capacity for 450, but there are currently about 560. Al-Maqil prison is designed to hold 200 but currently holds at least 268. Women and juveniles are housed in separate areas with relatively better conditions. Reports indicate that both facilities are old and in poor condition. There is inadequate ventilation, plumbing, food, medical care, and potable water. There are no educational or rehabilitative services due to a lack of space. The former

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regional head of prisons, Colonel Naeem, tried to improve some basic conditions but was recently fired by Acting Minister of Justice Safa al-Safi. The security situation has improved to the point that the PRT plans to visit these facilities within a month.

¶13. (SBU) The PRT has little visibility on MoI and MoD facilities, as the Iraqi Army has been secretive about its facilities. Detainees from Operation Charge of the Knights are currently being held in the Shatt al-Arab hotel in reportedly very poor conditions. There are inadequate MoI facilities, and some pre-trial detainees are forced to be housed in MoJ prisons.

WASIT

¶14. (SBU) The most critical need in Wasit province is a post-trial MoJ prison. There are no prisons in Wasit, and post-trial prisoners are housed with pre-trial detainees in overcrowded MoI facilities. There is currently no room for any educational or rehabilitation programs in the facilities.

The PRT is aware of problems with the judicial process system and has worked with the Chief Judge to resolve the issues. Police are not provided with human rights or continued professional training, and the PRT and military are working to address this shortcoming.

¶15. (SBU) There are 27 MoI detention facilities in the province. U.S. Military Police teams in Wasit make weekly visits to five facilities (Wasit Central Jail, Wasit Criminal Investigation facility, Al Aharar police station, al Kut Main police station, and Vehicle Patrol headquarters) and report on abuse and living conditions. In the last six months, there have been no reports of abuse in these facilities, and living condition concerns have been minor and properly addressed by police commanders. The PRT has also conducted inspections of Wasit Central Jail, Wasit Criminal Investigation facility, and Wasit Major Crimes Investigation facility. During these visits, there were no signs of abuse or intolerable living conditions although there were allegations of abuse following the March military operations. The facilities are clean, and detainees have adequate access to food and medical care. Women and juveniles are housed in Wasit Central Jail, separate from adult males. There are impending plans to conduct unannounced inspections of the other 21 MoI police stations.

COMMENT

¶16. (SBU) While there are still nation-wide problems with overcrowding and its consequent effect on supplies of food and medicine and judicial processing delays, there has been noticeable progress in the conditions of Iraqi detention facilities. There is an immediate need for more facilities, especially prisons, and more trained corrections officers for new and existing positions. Compared to reporting from previous years, there are remarkably fewer reports of torture and abuse in the detention facilities. We do not have visibility on all detention facilities and police stations, especially in remote areas, but the PRTs and Military are continuing to visit MoI and MoD facilities. MNF-I, MNC-I, MNSTC-I, and TF134 have extensive inspection duties and completed about 180 in July. Post will continue to report separately on Baghdad facilities, including a comprehensive assessment, and will encourage reporting on this issue from PRTs not mentioned.

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